

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 SSO-00 INRE-00 SS-15 NSC-10

NSCE-00 CAB-09 CIAE-00 COME-00 DODE-00 INR-10 NSAE-00

RSC-01 FAA-00 L-03 CIEP-02 RSR-01 PRS-01 /089 W
----- 027810

O 101815 Z MAY 73

FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC NIACT IMMEDIATE 4649

C O N F I D E N T I A L SECTION 1 OF 2 DUBLIN 0614

E. O. 11652: GDS

TAGS: PFOR, PINS, ETRN, EI

SUBJ: CIVAIR - DUBLIN LANDING RIGHTS

REF: STATE 081801

1. DURING PAST WEEK CHARGE AND EMBOFF HAVE MET FONMIN FITZGERALD, FONOFF PERMSEC MCCANN AND OTHER SENIOR OFFICIALS SEVERAL TIMES URGING IN STRONGEST POSSIBLE TERMS THAT LANDING RIGHTS ISSUE NOW BE SETTLED ON BASIS STATE 081801.

2. DURING THESE DISCUSSIONS IRISH CONCERN HAS FOCUSED ON OUR WITHDRAWAL OF MORATORIUM GUARANTEE. THE GOVERNMENT'S POSITION IS THAT IT WILL INCUR A HEAVY POLITICAL COST IN SETTLING THE LANDING RIGHTS ISSUE, WHICH ITS PREDECESSOR AVOIDED SETTLING DURING ITS 16- YEAR TERM OF OFFICE. NEW GOVERNMENT IS, NEVERTHELESS, WILLING TO SETTLE BUT CONSIDERS THAT IT WOULD BE POLITICALLY DISASTROUS IF THE ISSUE SHOULD AGAIN COME UP DURING ITS PRESENT TERM OF OFFICE.

3. WE HAVE THEREFORE REPEATED ON A NUMBER OF OCCASIONS POSITION CONTAINED PARA 3 OF REFTTEL, SAYING USG WOULD RECOGNIZE THAT ANY FURTHER ISSUE USG MIGHT SUBSEQUENTLY RAISE UNDER NEWLY AMENDED AGREEMENT WOULD BE SUBJECT TO NEGOTIATION.
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TIATION AND WE HAVE SAID THAT THIS COULD BE ASSUMED TO MEAN US WOULD NOT INVOKE TERMINATION DURING CURRENT U. S. ADMINISTRATION (PER PARA 5 B).

4. FITZGERALD HAS FINALLY AGREED THAT A SETTLEMENT CAN NOW BE MADE IF THIS LATTER ASSURANCE CAN BE PUT IN WRITING IN A PRIVATE SIDE LETTER, AND (BECAUSE THE IRISH DO NOT FEEL ABLE POLITICALLY TO ACCEPT THE EXCHANGE OF CONCESSIONS EARLIER PROPOSED ON CHARTERS) THE SIDE LETTER CAN COVER THE CURRENT SITUATION WITH REGARD TO CHARTERS.

5. FOLLOWING AN URGENT MEETING OF THE GOVERNMENT TODAY, THE FONMIN GAVE THE CHARGE A LETTER (WHICH FOLLOWS BELOW) OUTLINING THE PROPOSED SETTLEMENT AND CONTAINING A DRAFT NOTE WHICH WOULD FORM THE BASIS FOR A SETTLEMENT TOGETHER WITH A SUGGESTED SIDE LETTER WHICH WOULD BE KEPT STRICTLY CONFIDENTIAL AND WOULD MEET THE GOVERNMENT'S NEEDS.

6. THIS AGREEMENT CAN TAKE EFFECT IMMEDIATELY UPON USG ACCEPTANCE. THE IRISH REQUEST, HOWEVER, THAT ANNOUNCEMENT OF THIS AGREEMENT BE COORDINATED TO HELP THEM PUT THE BEST FACE ON IT AS THEY ANTICIPATE HEAVY CRITICISM. SUBJECT TO MAKING SURE THAT THE LEGAL LANGUAGE OF THE NOTE COVERS ALL THE POINTS, EMBASSY STRONGLY RECOMMENDS THAT WE QUICKLY SETTLE THIS ISSUE BEFORE NEWS LEAKS OUT THAT A SETTLEMENT IS IMMINENT AND FURTHER PRESSURE IS BROUGHT ON GOI WHICH COULD UNSTICK SETTLEMENT.

A. LETTER TO CHARGE FROM FOREIGN MINISTER FITZGERALD DATED 10 MAY 1973.

" SIR,

I HAVE THE HONOUR TO REFER TO MY NOTE OF 29 TH MARCH AND YOUR EMBASSY NOTE OF 6 TH APRIL AND TO SUBSEQUENT DISCUSSIONS RELATING TO AIR TRANSPORT SERVICES BETWEEN THE UNITED STATES AND IRELAND.

" I NOTE THAT THE UNITED STATES GOVERNMENT WOULD BE CONFIDENTIAL

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PREPARED TO CONSIDER A SETTLEMENT OF THE DUBLIN LANDING RIGHTS ISSUE BY AMENDING THE EXISTING BILATERAL AGREEMENT IN A MANNER WHICH WOULD

(A) GRANT ENTRY FOR ONE U. S. AIRLINE INTO DUBLIN WITH NO BEYOND RIGHTS, AND SUBJECT TO A MANDATORY STOP AT SHANNON IN BOTH DIRECTIONS FOR AS LONG AS

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CAB-09 CIAE-00 COME-00 DODE-00 INR-10 NSAE-00 RSC-01

FAA-00 L-03 NSC-10 CIEP-02 RSR-01 PRS-01 /089 W
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FM AMEMBASSY DUBLIN
TO SECSTATE WASHDC NIACT IMMEDIATE 4650

C O N F I D E N T I A L SECTION 2 OF 2 DUBLIN 0614

B. ENCLOSURE TO FITZGERALD LETTER OF MAY 10, 1973 (DRAFT NOTE)

" I HAVE THE HONOR TO REFER TO PREVIOUS CORRESPONDENCE
AND TO THE DISCUSSIONS WHICH HAVE TAKEN PLACE OVER THE PAST
FEW YEARS CONCERNING THE AIR TRANSPORT AGREEMENT OF
3 FEBRUARY, 1945, BETWEEN OUR TWO GOVERNMENTS AS AMENDED.

"2. ON THE BASIS OF THESE DISCUSSIONS I HAVE THE HONOR
TO PROPOSE

(A) THE FOLLOWING ADDITION TO PARAGRAPH A OF THE
ANNEX TO THE AGREEMENT AS AMENDED:

" IN ADDITION ONE OF THE SAID AIRLINES TO BE
DESIGNATED BY THE GOVERNMENT OF THE UNITED
STATES IS ACCORDED IN THE TERRITORY OF IRELAND
RIGHTS OF TRANSIT, NON- TRAFFIC STOP AND COMMERCIAL
ENTRY FOR INTERNATIONAL TRAFFIC AT DUBLIN ON THE
FOLLOWING ROUTE: THE UNITED STATES TO IRELAND
VIA INTERMEDIATE POINTS TO SHANNON AND DUBLIN IN
BOTH DIRECTIONS: PROVIDED THAT ALL AIRCRAFT ON
THIS ROUTE TRAVELLING IN EITHER DIRECTION SHALL
SERVE SHANNON AS LONG AS ALL AIRCRAFT OF OTHER
AIRLINES AUTHORIZED ON THIS ROUTE ARE REQUIRED
TO DO SO "

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(B) THAT THE PROVISIO AT THE END OF PARAGRAPH B AS
AMENDED BE AMDNED TO READ AS FOLLOWS:

" PROVIDED THAT CHIAIGO SHALL NOT BE SERVED BY
ANY FLIGHT SERVING BOSTON DURING THE MONTHS
MAY TO OCTOBER INCLUSIVE OR BY ANY FLIGHT SERVING
NEW YORK"

(C) THAT THE RIGHTS GRANTED TO THE GOVERNMENT OF
IRELAND UNDER PARAGRAPH B OF THE ANNEX WHICH WERE
TERMINATED BY NOTIFICATION OF THE GOVERNMENT OF
THE UNITED STATES UNDER ARTICLE 9 OF THE AGREEMENT
IN A NOTE DATED 18 TH AUGUST, 1971, BE RESTORED TO
THE GOVERNMENT OF IRELAND WITH EFFECT FROM
THE PRESENT DATE.

3. IF THESE PROPOSALS ARE ACCEPTABLE TO YOUR GOVERNMENT,
IT IS SUGGESTED THAT THIS NOTE, TOGETHER WITH YOUR REPLY
THERETO, SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO
GOVERNMENTS IN THE MATTER, EFFECTIVE FROM THE PRESENT DATE."

C. SUGGESTED DRAFT SIDE LETTER (ENCLOSURE TO FITZGERALD
LETTER OF MAY 10, 1973)

" I HAVE THE HONOUR TO REFER TO YOUR LETTER OF MAY 10 TH
PROPOSING ARRANGEMENTS FOR SETTLEMENT OF THE DUBLIN LANDING
RIGHTS ISSUE AND AMENDMENT OF THE AIR TRANSPORT SERVICES
AGREEMENT OF FEBRUARY 3, 1945 (AS AMENDED).

" WITH REGARD TO THE SETTLEMENT BASED ON THESE PROPOSALS,
I AM AUTHORIZED TO ASSURE THE GOVERNMENT OF IRELAND THAT THE
GOVERNMENT OF THE UNITED STATES WILL NOT TAKE UNILATERAL
ACTION TO TERMINATE THE ARRANGEMENTS PROPOSED IN YOUR LETTER
OF MAY 10 TH FOR A PERIOD EXTENDING TO EARLY 1977."
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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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Disposition Approved on Date:
Disposition Authority: cunninfx
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Executive Order: GDS
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30 JUN 2005

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Review Transfer Date:
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TAGS: PINS, EI, ETRN
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SECSTATE WASHDC
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